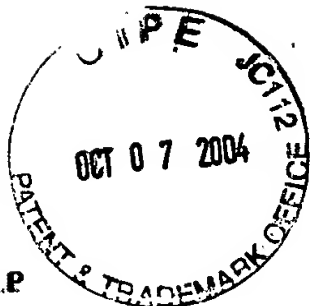


BAKER BOTTS LLP



RCE# *thw*
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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000,
provides for continued examination of an utility or plant application
filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/320,767
Filing Date	May 27, 1999
First Named Inventor	Giannoukakis
Group Art Unit	1635
Examiner Name	Angell, J.
Attorney Docket Number	A32362 (072396.0174)

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. **Submission required under 37 C.F.R. § 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- iii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to credit any overpayments, to Deposit Account No. 02-4377
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e)
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
- iii. ☒ Other Any additional charges under 37 CFR 1.16 and 1.117
- b. ☒ Check in the amount of \$ \$1,065.00 enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Rochelle K. Seide	Registration No. (Attorney/Agent)	32,300
Signature	<i>Rochelle K. Seide</i>	Date	October 5, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Alexandria, VA 22313-1450, or facsimile transmitted to the US Patent and Trademark Office on:

Name (Print/Type)	Rochelle K. Seide	Date	October 5, 2004
Signature	<i>Rochelle K. Seide</i>		

Title: GENE TRANSFER TO PANCREATIC CELLS FOR PREVENTION OF ISLET DYSFUNCTION

Use Space Below for Additional Information:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Giannoukakis *et al.*
Serial No. : 09/320,767 Examiner : Angell, J.
Filed : May 27, 1999 Group Art Unit: 1635
For : GENE TRANSFER TO PANCREATIC CELLS FOR PREVENTION OF
ISLET DYSFUNCTION

AMENDMENT AFTER FINAL

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450

October 5, 2004

Date of Deposit

Rochelle K. Seide

Attorney Name

Rochelle K. Seide
Signature32,300

PTO Registration No.

October 5, 2004

Date of Signature

Mail Stop AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action dated April 6, 2004, please consider the following amendments and remarks. Applicants submit herewith (i) a Petition for a Three-Month Extension of Time for Applicants' response, through October 6, 2004, (ii) a Supplemental Information Disclosure Statement, (iii) a Request for Continued Examination, and (iv) a check in the amount of \$1,065.00 representing the \$490.00 fee for a three-month extension of time for a small entity, the \$395.00 fee for a Request for Continued Examination, and the \$180.00 fee for the submission of an Information Disclosure Statement.

Amendments to the Specification begin on page 2 of this communication.

Amendments to the Claims begin on page 3 of this communication.

Remarks begin on page 6 of this communication.